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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,657	11/08/1999	JOHN L. TOMICH	19447-P001C1	5515

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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,657

Applicant(s)

TOMICH ET AL.

Examiner

Prenell P Jones

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, 29-43 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 16-28, 44-54, 61 is/are allowed.
- 6) ☐ Claim(s) 55 and 60 is/are rejected.
- 7) ☐ Claim(s) 56-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Election

Examiner informed Applicants Representative, Raffi Gastonian, that there was a type o in the previous office action, wherein Group I should have been claims 16-28 and 44-61 and Group II should have been claims 29-43 and 62. Mr. Gastonian elected without traverse to prosecute claims 16-28 and 44-61 of Group I, drawn to a photonic area network and Group II (Claims 29-43 and 62) is retained pending the filing of a CIP application. Claims 1-15 are retained pending the filing of another CIP application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Williams, Jr. and Herrod et al.

Regarding claim 55 and 60, Taylor discloses (Abstract, Fig. 2, 3, 9, 10, 43, 44, col. 4, line 26 thru col. 5, line 67, col. 10, line 15 thru col. 11, line 67, col. 20, line 6-37) a multimedia super-ring architecture of a plurality of set-top boxes/terminals, wherein peripheral devices are coupled to the ring architecture coupled with a multi-access channel, interface device for plurality of video peripherals. Taylor is silent on each terminal/set-top box consisting of micro-controller with memory. In analogous art, Williams discloses providing multiple users access to a PC-based server in a home local area network using conventional TVs as display and set-top box as an interface between the TV and the network, (Fig. 10, 25, 26) plurality of set-top boxes, (col. 12, line 56 thru col. 13, line 23) wherein the architecture includes a micro-controller, which controls a set-top box and the micro-controller includes memory. Herrod discloses (Abstract, col. 1, line 44-58) an introduction of micro-controllers for providing communication between peripheral devices and system control processor, freeing the system control processor to perform other task as to improve the system performance, (col. 7, line 50 thru col. 8, line 51) system accommodates multimedia communications, (col. 17, line 48-67, col. 23, line 30-67) a plurality of terminals/set-top boxes/cradles, system communicates in multiple access mode and multiple peripheral devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement to implement accommodating set-top boxes with micro-controllers as taught in the telecommunication systems of both Williams and Herrod with the teachings of Taylor for the purpose of controlling the set-top boxes and minimize work load of system control process, thereby improving system performance.

Allowable Subject Matter

4. Claims 16-28, 44-54 and 61 are allowed over prior art.

5. Claims 56-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Although the prior art discloses a multimedia super-ring architecture of a plurality of set-top boxes/terminals, wherein peripheral devices are coupled to the ring architecture coupled with a multi-access channel, interface device for plurality of video peripherals, multiple users access to a PC-based server in a home local area network using conventional TVs as display and set-top box as an interface between the TV and the network, plurality of set-top boxes, wherein the architecture includes a micro-controller, which controls a set-top box and the micro-controller includes memory, an introduction of micro-controllers for providing communication between peripheral devices and system control processor, freeing the system control processor to perform other task as to improve the system performance, system accommodates multimedia communications they fail to teach/suggest photonic network that includes a program executed by the set-top box micro-controller, adapted to route the data bandwidth segments according to a software subscription table stored in memory, head-end circuit adapted to format bandwidth segments into a signal transmittable via a wide-signal bandwidth, wherein a channel selection register adapted to designate a core television channel selection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on Monday thru Friday from 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Prenell Jones

March 4, 2004


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 3/8/04